

**REMARKS**

This responds to the Office Action dated October 5, 2004. No claims are amended, cancelled, or added. As a result, claims 1-47 remain pending in this patent application.

**§103 Rejection of the Claims**

1. Claims 1-5, 10, 14-25, 27-40 and 44-47 were rejected under 35 U.S.C. § 103(a) for obviousness over Villaseca et al. (U.S. Patent No. 6,240,317) in view of O'Phelan (U.S. Patent 5,383,914) or Lin (U.S. Patent No. 5,411,538) and Bradshaw et al. (U.S. Patent No. 5,545,188). Applicant respectfully traverses.

Claims 1-27 recite or incorporate a telemetry module that includes a transmitter. The telemetry module is adapted to attach to an implantable medical device by an interface connector that is either user-attachable or detachable. Similarly, claims 28 – 47 recite or incorporate connecting a user-attachable or detachable implantable far-field telemetry module to an implantable medical device.

For both of the above sets of claims, this allows an implanting physician or like user to select, from a group of different such telemetry modules, the particular telemetry module having one or more characteristics that is best suited for the user's needs with the particular implantable medical device to which the telemetry module is attached. Such needs may differ from patient-to-patient, or from user-to-user (one example would be for use in different locations that are governed by different governmental regulatory bodies regulating communication frequencies or the like). Applicant cannot find any disclosure, teaching, or suggestion of this in Villaseca or any of the other cited references.

By contrast, although FIG. 9 of Villaseca discloses an antenna that is apparently configured to be part of an associated electrical lead 170, the transmitter of Villaseca is included in the hermetic enclosure of the implantable medical device, rather than in a separate telemetry module that is user attachable or detachable thereto. (See Villaseca at col. 8, lines 27-41; Villaseca at col. 9, lines 16 – 26; and Villaseca at col. 9, lines 50 – 61).

O'Phelan at FIG. 20 is cited as teaching the use of modules to attach additional components to the pacemaker. Applicant has reviewed FIG. 20 of O'Phelan, however, Applicant cannot find any accompanying text description in the specification that describes how FIG. 20 of

O'Phelan actually relates to teaching the use of modules to attach additional components. Applicant respectfully requests that the Examiner provide a more particular citation to the portions of O'Phelan that are being relied upon for this assertion about FIG. 20 of O'Phelan. Applicant also requests an adequate further opportunity to respond to the same. In the absence of such a more particularized explanation, Applicant respectfully submits that O'Phelan apparently does not cure the deficiencies in Villaseca or the other references.

Lin apparently teaches using a separate power source and electronic circuitry so that either the power source or the electronic circuitry can be replaced. However, Lin does not describe a user-attachable or detachable telemetry module. Therefore, Lin apparently would not allow a physician or other user to select an appropriate telemetry module for use with a particular implantable medical device, as discussed above. Therefore, Applicant respectfully submits that Lin does not cure the deficiencies of Villaseca or the other references.

Bradshaw et al. apparently teaches a user-attachable pacemaker lead. However, Applicant respectfully submits that this falls far short of a user-attachable or detachable telemetry module, such that Bradshaw et al. does not cure the deficiencies of Villaseca or the other references.

In sum, because all elements of the present claims are not disclosed in the cited references, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to these claims. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of claims 1-5, 10, 14-25, 27-40 and 44-47.

2. Claims 6, 7, 11, 41, 42 and 43 were rejected under 35 USC § 103(a) as being unpatentable over Villaseca et al. (U.S. Patent No. 6,240,317) in view of O'Phelan (U.S. Patent 5,383,914) or Lin (U.S. Patent No. 5,411,538) and Bradshaw et al. (U.S. Patent No. 5,545,188) as applied to claims 1-5, 10, 14-25, 27-40 and 44-47 above, and further in view of Morgan et al. (U.S. Patent No. 5,476,488).

These claims recite or incorporate the language of independent claims 1 or 28. Therefore, for the reasons discussed above, Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to these claims because all claim elements are not disclosed, taught, or suggested in above-discussed references. Nor can Applicant find any

disclosure, teaching, or suggestion in the additional Morgan et al. reference that overcomes the deficiencies in the other references, as discussed above. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of claims 6, 7, 11, 41, 42 and 43.

3. Claims 7-9 and 11-13, 41 and 43 were rejected under 35 USC § 103(a) as being unpatentable over Villaseca et al. (U.S. Patent No. 6,240,317) in view of O'Phelan (U.S. Patent 5,383,914) or Lin (U.S. Patent No. 5,411,538), Bradshaw et al. (U.S. Patent No. 5,545,188) and Morgan et al. (U.S. Patent No. 5,476,488) as applied to claims 6, 7, 11 and 42 above, and further in view of Soykan et al. (U.S. Patent No. 6,236,889).

These claims recite or incorporate the language of independent claims 1 or 28. Therefore, for the reasons discussed above, Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to these claims because all claim elements are not disclosed, taught, or suggested in above-discussed references. Nor can Applicant find any disclosure, teaching, or suggestion in the additional Morgan et al. and Soykan et al. references that overcomes the deficiencies in the other references, as discussed above. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of claims 7-9 and 11-13, 41 and 43.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date January 3, 2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of January, 2005.

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